

THIRD DAY

THURSDAY, JANUARY 16, 1997

PROCEEDINGS

The Senate met at 9:30 a.m. pursuant to adjournment and was called to order by Senator Truan.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Madla, Moncrief, Nelson, Nixon, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Luna.

To be elected: District 5.

The Presiding Officer announced that a quorum of the Senate was present.

The Reverend John R. Pitts, Senate Chaplain, offered the invocation as follows:

Lord God, we gather this morning not for ourselves, not for any personal gain, and not for any reason other than to do what is best for this great State of Texas.

As we gather, we lift up before You all victims—victims of crime, victims of hate, and victims of rumor. We lift up those—many unknown to us but known to You—who live out their lives in fear. Bless them, Lord, and bless us as we make this state a state where people can live without fear. Amen.

On motion of Senator Zaffirini and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

On motion of Senator Barrientos, Senator Luna was granted leave of absence for today on account of important business.

CO-AUTHORS OF SENATE BILL 35

On motion of Senator West and by unanimous consent, Senators Ellis, Haywood, and Truan will be shown as Co-authors of **SB 35**.

CO-AUTHORS OF SENATE BILL 97

On motion of Senator Moncrief and by unanimous consent, Senators Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan,

Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Nelson, Nixon, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, and Zaffirini will be shown as Co-authors of **SB 97**.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

SB 201 by Harris

Relating to the disposition of freshwater trout stamp fees.
To Committee on Natural Resources.

SB 202 by Harris

Relating to health care services liens on certain recoveries in civil actions.
To Committee on Jurisprudence.

SB 203 by Shapiro, Gallegos, Galloway

Relating to the provision of health care to an inmate confined in the institutional division of the Texas Department of Criminal Justice.
To Committee on Finance.

SB 204 by Patterson

Relating to persons eligible for a license to carry a concealed handgun, to the rights and duties of license holders, and to certain offenses involving weapons.
To Committee on Criminal Justice.

SB 205 by Madla

Relating to the period covered by a county report of its expenditure of funds required to be used for highways.
To Committee on Intergovernmental Relations.

SB 206 by Madla

Relating to licensing requirements for certain insurance agents.
To Committee on Economic Development.

SB 207 by Haywood

Relating to the distribution of exemplary damages in certain civil suits.
To Committee on Economic Development.

SB 208 by Haywood

Relating to the disclosure of certain information regarding certain patients of a physician.
To Committee on Health and Human Services.

SB 209 by Haywood

Relating to the composition of the lake planning commission of lakes Tawakoni and Ray Roberts.
To Committee on Intergovernmental Relations.

SB 210 by Harris

Relating to a voluntary consensual encumbrance on homestead property for

the purpose of an equity loan.
To Committee on State Affairs.

SB 211 by Ellis, West, Zaffirini, Moncrief, Haywood, Barrientos, Duncan, Lucio, Ratliff, Truan
Relating to the establishment and operation of the Texas child care fund.
To Committee on Finance.

SB 212 by Ellis, West, Zaffirini, Moncrief, Haywood, Duncan
Relating to a state program of loan guarantees to promote child care services.
To Committee on Finance.

SB 213 by Ellis, West, Zaffirini, Moncrief, Duncan
Relating to the establishment of child care training centers for certain recipients of public assistance.
To Committee on Health and Human Services.

SB 214 by Nixon
Relating to a voluntary, consensual encumbrance on a business homestead for the purpose of an equity loan.
To Committee on State Affairs.

SB 215 by Nixon
Relating to notice and protest rights of certain reimbursing employers under the unemployment compensation system.
To Committee on Economic Development.

SB 216 by Nixon
Relating to the disqualification for the receipt of unemployment compensation benefits of an individual receiving certain remuneration.
To Committee on Economic Development.

SJR 12 by Patterson, Armbrister, Ellis, West
Proposing a constitutional amendment authorizing a voluntary, consensual encumbrance on homestead property for the purpose of an equity loan.
To Committee on State Affairs.

SJR 13 by Harris
Proposing a constitutional amendment authorizing a voluntary consensual encumbrance on homestead property for the purpose of an equity loan.
To Committee on State Affairs.

SJR 14 by Nixon
Proposing a constitutional amendment authorizing a voluntary, consensual encumbrance on a business homestead for the purpose of an equity loan.
To Committee on State Affairs.

CAPITOL PHYSICIAN

The Presiding Officer recognized Senator Nixon, who presented Dr. R. A. McMurray of Jasper as the "Doctor for the Day."

Dr. McMurray, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was made welcome by the Senate.

MORNING CALL CONCLUDED

The Presiding Officer at 9:42 a.m. announced the conclusion of morning call.

SENATE BILL 97 ON SECOND READING

On motion of Senator Moncrief and by unanimous consent, the regular order of business and Senate Rule 7.12(a) were suspended to take up for consideration at this time on its second reading and passage to engrossment. (Submitted by Governor as an emergency matter)

SB 97, Relating to the prosecution, punishment, and sentencing of a defendant charged with the offense of stalking.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 97 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 97** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Luna.

SB 97 was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

GAVEL PRESENTED

The Presiding Officer, Senator Truan in Chair, on behalf of the President, presented Senator Moncrief with a gavel for his work on the passage of **SB 97**.

SENATE RESOLUTION 13

Senator Barrientos offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in recognizing the employees of the City of Austin, Travis County, and the State of Texas who worked diligently and heroically during the recent ice storm that hit Central Texas; and

WHEREAS, For three days, Texas suffered from freezing rain and sleet and hazardous roads glazed with ice; driving conditions throughout the state were exceptionally dangerous; and

WHEREAS, Public agencies and emergency crews worked around-the-clock to clear the roads of ice, sand the streets, assist stranded motorists and victims of accidents, and keep the essential services of the city functional; employees at the airport kept the airport open and Capitol Metro employees provided transportation throughout the city; and

WHEREAS, The hard work and perseverance of these employees made it possible for lawmakers to convene in Austin and for the Texas Legislature to open its 75th session in a timely manner on Tuesday; and

WHEREAS, Agencies and organizations particularly deserving of recognition include: the City of Austin Police, Fire, Electric Utility, and Public Works and Transportation departments; the Emergency Medical Services; Travis County agencies; the Texas Department of Public Safety; and the Texas Department of Transportation; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby commend the employees of the City of Austin, Travis County, and the State of Texas who worked with dedication during the winter storm and extend to them deep gratitude for their successful efforts; and, be it further

RESOLVED, That copies of this Resolution be prepared for them as an expression of high esteem from the Texas Senate.

BARRIENTOS
LUCIO

The resolution was read.

On motion of Senator Lucio and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Barrientos, the resolution was adopted by a viva voce vote.

CONGRATULATORY RESOLUTIONS

SR 10 - by West: Congratulating Dr. Roy Campbell of Dallas.

SR 11 - by Truan: Congratulating Lena Coleman of Corpus Christi.

SR 12 - by Truan: Congratulating Dr. L. E. Ramey of Kingsville.

ADJOURNMENT

On motion of Senator Brown, the Senate at 10:01 a.m. adjourned until 11:00 a.m. Tuesday, January 21, 1997.

